

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 80484

Thanh Tam Ngyuyen
Den Canh Phan

5660 Gunpowder Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 26, 2011 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR). The Respondent was charged with violating BCZR § 102.1, 102.2 and 1B02.3.C.1: insufficient land area to support five (5) dwelling units, property does not meet standards to support five (5) dwelling units based on the small lot table.

On March 29, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$15,900.00 (fifteen thousand nine hundred dollars).

The following persons appeared for the Hearing and testified: Den Canh Phan, Respondent and owner of the premises and Keith Parker, Baltimore County Code Enforcement Officer.

Testimony revealed that a minor subdivision has been in the works for some time, but has not been approved. Inspector Parker testified the property contains about 60,000 sq. ft., which could support three (3) dwelling units maximum. The Respondent acknowledged that he needed to reduce the number of dwelling units, and indicated he was going to do so shortly and, that one tenant family would vacate after the school year.

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 civil penalty be suspended until June 30, 2011;

IT IS FURTHER ORDERED that the suspended \$1,000.00 civil penalty be imposed without the necessity of further Hearing(s) and/or Orders if the property is not brought into compliance by June 30, 2011.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 4th day of May 2011

Signed: Original Signed 5/4/11
John E. Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf